

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nancy Auestad, et al

Serial No.: not yet assigned

Filed: April 19, 2006

For: **METHOD OF INCREASING LEAN
BODY MASS AND REDUCING BODY
FAT MASS IN INFANTS**

Examiner: Not yet assigned

Group Art Unit: not yet assigned

Attorney Docket No.: 7278US01

I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as ~~first class mail~~ **US Express Mail** addressed to:
EQ 447969439

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Deposit: April 19, 2006

Wendy Detwiler 4/19/06
Wendy Detwiler Date

**Declaration and Power of Attorney
For a United States Patent Application**

As a below-named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original and first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD OF INCREASING LEAN BODY MASS AND REDUCING BODY FAT MASS IN INFANTS**, the specification of which was filed on December 17, 2004 and received International Application Number PCT/WO2004/042770.

I hereby state that I have reviewed and understand the contents of the above-mentioned specification, including the claims.

I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Claim to benefit of foreign application(s) as follows:

I hereby claim foreign priority benefits under 35 U.S.C. §119 for the following foreign applications for patent or inventor's certificate.

PCT/US2004/042770 WITH A FILING DATE OF: 17 DECEMBER 2004

THE FOLLOWING FOREIGN APPLICATIONS FOR PATENT OR INVENTOR'S CERTIFICATE HAVE A FILING DATE EARLIER THAN THE FILING DATE OF THE APPLICATIONS IDENTIFIED ABOVE.

NONE

Claim to benefit of earlier U.S. application(s) as follows:

I hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/531495 Filed 19 December 2003

I hereby claim the benefit under 35 U.S.C. §120 of the following earlier-filed United States patent applications:

NONE

Insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. applications in the manner required by 35 U.S.C. §112, first paragraph, I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which came into existence between the filing date(s) of the prior applications and the national or PCT filing date of this application.

I hereby appoint the following Attorneys and/or agents to prosecute this application and any continuation or divisional applications based hereon, and to transact all business in the Patent and Trademark Office connected therewith:

	USPTO <u>Reg. No.</u>
Becker, Cheryl L.	35,441
Brainard, Thomas D.	32,459
Caffin, Lee	57,774
Casuto, Dianne	40,943
Chen, Portia	44,075
Coleman James, Patricia	37,155
Conway, John D.	39,150
Corbin, Johanna M.	51,582
Crowley, Steven R.	31,604
Danckers, Andreas M.	32,652
DeBerardine, Robert	32,853
Donner, B. Gregory	34,580
Ferrari-Dileo, Gabryleda	55,174
Fuzail, Kalim S.	45,805
Galloway, Norval	33,595
Goller, Mimi C.	39,046
Haley, Charlene	52,983
McCrystle, Kelly	46,257
Murray, William E.	30,303
O'Brien, Gayle B.	48,812
Parial, Andrew	50,382
Poulos, Nicholas A.	30,209
Schodin, David J.	41,294
Seshadri, Tara	48,591
Silverman, Carl	27,229
Steele, Gregory W.	33,796

Tall, Susan	52,272
Vrioni, Beth A.	39,869
Ward, Michael J.	37,960
Wark, Allen W.	30,503
Weinstein, David L.	28,128
Winter, William J.	36,060
Zwicker, Kenneth P.	43,310

The undersigned hereby authorizes the U.S. attorney(s) or agent(s) named herein to accept and follow instructions from the assignee, if any, of the undersigned or from [Foreign Agent (if any)] as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney(s) or agent(s) and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney(s) or agent(s) named herein will be so notified by the undersigned.

As a named inventor, I hereby appoint the registered practitioner(s) identified by Customer No. 23495 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, whose firm name, mailing address, telephone number, and facsimile number for this application are:

ABBOTT LABORATORIES
 Patents and Trademarks Department
 Dept. 377 – AP6A-1A
 100 Abbott Park Road
 Abbott Park, IL 60064-6008
 Telephone: (847) 937-6364
 Fax No.: (847) 938-2623
Customer Number (23495)

Send Correspondence to: William J. Winter
 Ross Products Division of
 Abbott Laboratories
 Dept. 108140-DS-1
 625 Cleveland Avenue
 Columbus, OH 43215-1724

Direct telephone calls to: (614) 624-5686

Name: (first, middle, last): Nancy Auestad
 Post Office Address:
 Residence: 12565 Perry Rd
 Battle Creek, MI 49015-9379
 Citizenship: USA

Name: (first, middle, last): Joan R. Jacobs
Post Office Address:
Residence: 250 King Street, #476
San Francisco, CA 94107
Citizenship: USA

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Nancy A. Auestad 4-10-06
Nancy A. Auestad Date

Joan R. Jacobs Date

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As a named inventor, I hereby appoint the registered practitioner(s) identified by Customer No. 23495 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, whose firm name, mailing address, telephone number, and facsimile number for this application are:

ABBOTT LABORATORIES
 Patents and Trademarks Department
 Dept. 377 – AP6A-1A
 100 Abbott Park Road
 Abbott Park, IL 60064-6008
 Telephone: (847) 937-6364
 Fax No.: (847) 938-2623
Customer Number (23495)

Send Correspondence to: William J. Winter
 Ross Products Division of
 Abbott Laboratories
 Dept. 108140-DS-1
 625 Cleveland Avenue
 Columbus, OH 43215-1724

Direct telephone calls to: (614) 624-5686

Name: (first, middle, last): Nancy Auestad
 Post Office Address:
 Residence: 12565 Perry Rd
 Battle Creek, MI 49015-9379
 Citizenship: USA

Name: (first, middle, last): Joan R. Jacobs
Post Office Address:
Residence: 250 King Street, #476
San Francisco, CA 94107
Citizenship: USA

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Nancy A. Auestad

Date

Joan R. Jacobs 7 April 2006

Joan R. Jacobs Date